

CHAPTER 10

PUBLIC REVIEW OF THE CLI PHASE II REPORT DRAFT

Before the CLI Phase II report was finalized, it was made available to project Stakeholders and the public for comment. This chapter describes how comments were solicited and incorporated, and presents an overview of the feedback received.

Project Stakeholders and the public were provided a one month period, from July 1 to July 29, 1999, to review and comment upon a draft of the CLI Phase II report. In late June 1999, all project Stakeholders in the CLI database, which includes over 700 people, were notified, by facsimile, e-mail or letter, of the opportunity to review the draft. This notification included instructions on obtaining a copy of the draft and issuing comments. A *Federal Register (FR)* notice (64 FR 38422) indicating the availability of the draft report, requesting comments, and describing the comment process, was also published on July 16, 1999. On July 1, 1999, the draft report was posted in a downloadable format on a temporary web site established for the purpose. Paper copies of the draft were sent out upon request. The draft was also made available via the Administrative Record (AR-139). Two conference calls, publicized in the initial notice and on the web site, and open to anyone, were held during the month of July to discuss substantial comments and issues.

Three commenters requested an extension of time to comment on the draft report, noting that the date of publication of the *Federal Register* notice had not provided a full thirty-day comment period. EPA denied these requests, noting that the fiscal schedule for publishing the report would not accommodate an extension; that the draft report itself, being technical in nature and lacking regulatory effect, would not generally be subject to public comment at all prior to publication; that large sections of the draft report had been prepared in an open, joint stakeholder meeting process and had gone through prior comment iterations; and that special and extensive 30-day notice had been provided to all groups who had ever expressed any interest in the project by commenting at earlier stages.

Comments were issued by EPA staff, industry, trade and environmental organizations, and the public. All of the comments were reviewed carefully. Editorial comments that clarified or did not alter the meaning of the text were incorporated. Comments on the report's recommendations, findings, implications, and conclusions were noted but not incorporated, because these sections were developed through a joint Stakeholder process, which included review by project Stakeholders. Comments that clarified people's own previous comments were accepted, whereas comments that modified someone else's comments were not. General comments on the research and process of the CLI and topics addressed in the report are summarized below. These comments are divided up according to those that address the report and those that address specific aspects of the CLI. All comments submitted on the CLI Phase II Draft Report can be viewed in the Administrative Record (AR-139).

Comments on the CLI Phase II Report Draft

Most Stakeholders who had been involved throughout Phase II agreed that the Phase II report reflects the CLI Phase II process accurately . Many comments on the CLI Phase II Report Draft were editorial or clarifying in nature. People and groups also commented upon whether or not they agreed with the report's findings and recommendations. Some people also suggested additions to the report.

Many comments were submitted on the Storage and Disposal chapter of the report. Industry representatives commented on the appropriateness of including certain sections in the Storage and Disposal chapter (Chapter 6), particularly in the chapter sub-section describing the Storage and Disposal Subgroup activities. They argued that certain topics should not be included in this section because they were not officially discussed within the Subgroup. Commenters offered their opinions on whether or not they agreed with the proposed language, and offered arguments highlighting advantages and disadvantages for each proposed statement. Additionally, a few commenters pointed out potential problems with some of the proposed storage and disposal language (i.e., that they may violate certain regulations or policies). In addition to providing feedback on the proposed language suggested by the Storage and Disposal Subgroup, some commenters offered their own suggestions for alternative statements.

Comments were also issued about the label language tested in the quantitative and qualitative research. For example, language regarding the Federal Use statement was questioned (see discussion below).

One commenter from the EPA voiced many criticisms of the report. The commenter:

- # felt that some of the CLI Phase II findings and conclusions were not supported by the data presented in the report;
- # questioned how specific aspects of the label changes would be implemented (e.g., use of “white space,” elimination of needless words, specification of how long to wait before re-entering a treated area);
- # disagreed with parts of the CLI Phase II process; and
- # criticized aspects of the research design (e.g., poorly-designed mock labels, unclear and leading wording of some research questions).

NAHMMA expressed its frustration that EPA has failed to make a policy decision on pesticide disposal to be included in this Phase II Report. The absence of meaningful outcome on this area of the project is very disconcerting to state and local governments.

Comments on the CLI

The CLI yielded a range of comments. The initiative was praised by some for highlighting problems with label language. Others thought the initiative should be expanded. Addressing the roles of CLI participants, one commenter felt that these roles were weighted toward those with stake in the pesticide market. Another felt that consumers and public interest groups should have been included as CLI Partners.

Conflicting views were expressed regarding where on the label product ingredients should be listed. Reasons stated for keeping the ingredients statement on the front panel included: 1) respondents seemed satisfied with the current placement, and 2) consumers and other regulators might need to find the information in a hurry. One reason stated in support of allowing manufacturers to locate the ingredients statement on the back of the label was that customers are accustomed to looking there, since many other consumer products list ingredients on the back of the label. Comments on ingredients also addressed how and what type of ingredient information should be presented.

The proposal to change the mandatory Federal use statement from, “It is a violation of Federal law to use this product in a manner inconsistent with its labeling,” to, “Use only as directed on this label,” elicited many comments. It was pointed out that the new proposed statement may not convey the fact that failure to follow the label was against the law. Furthermore, it was commented that this proposed change may make it illegal to use the product in a way that the label does not prescribe. Suggestions included keeping the current Federal use statement, or proposing additional language for the EPA’s consideration.

The majority of comments received about storage and disposal were related to the lack of resolution regarding disposal language for unused pesticides and household cleaner products. Comments from state and local agencies reiterated their frustration that there had not been an EPA policy decision to resolve this issue at the time the draft Phase II Report was available for comment. Industry representatives and trade associations also reiterated their viewpoint that language on product labels directing consumers to call a local authority for disposal instructions was inappropriate.

Many people expressed support for the CLI consumer education campaign. The “Read the Label *FIRST!*” slogan was applauded as being direct and concise. It was also suggested that the slogan needs no logo. Some comments addressed what to include in the content of the consumer education campaign.

Other comments addressed the label format, use of graphics, and First Aid and precautionary statements. More than one person commented on the difficulty of incorporating more blank space, bullets, and unwrapped text on labels, due to the limited amount of space on labels. Comments were issued both in support for and against the use of icons and graphics on product labels. Comments in favor of and opposing the use of a visual format to display the signal word were also provided. It was suggested that if symbols and icons are used, they should be harmonized with those used in the European Union and/or Canada. Comments were also made on the specific wording of First Aid statements. It was also pointed out that the First Aid instruction to induce vomiting may not be appropriate for products with more than 10% petroleum distillate, due to the aspiration hazard. In

addition, it was suggested that the order of precautionary statements should reflect the importance of the statements.